

1 PAUL J. PASCUZZI, State Bar No. 148810
JASON E. RIOS, State Bar No. 190086
2 THOMAS R. PHINNEY, State Bar No. 159435
FELDERSTEIN FITZGERALD WILLOUGHBY
3 PASCUZZI & RIOS LLP
500 Capitol Mall, Suite 2250
4 Sacramento, CA 95814
Telephone: (916) 329-7400
5 Facsimile: (916) 329-7435
Email: ppascuzzi@ffwplaw.com
6 jrios@ffwplaw.com
tphinney@ffwplaw.com

7 ORI KATZ, State Bar No. 209561
8 ALAN H. MARTIN, State Bar No. 132301
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
9 A Limited Liability Partnership
Including Professional Corporations
10 Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
11 Telephone: (415) 434-9100
Facsimile: (415) 434-3947
12 Email: okatz@sheppardmullin.com
amartin@sheppardmullin.com

13 Attorneys for The Roman Catholic Archbishop of
14 San Francisco

15 UNITED STATES BANKRUPTCY COURT

16 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

17 In re
18 THE ROMAN CATHOLIC ARCHBISHOP
OF SAN FRANCISCO,

19 Debtor and
20 Debtor in Possession.

Case No. 23-30564

Chapter 11

**STIPULATION TO (1) VACATE FINAL
HEARING ON RESOLVED FIRST DAY
MOTIONS AND (2) CONTINUE FINAL
HEARING ON DEBTOR'S EMERGENCY
MOTIONS REGARDING (A) EXISTING
CASH MANAGEMENT SYSTEM AND
RELATED RELIEF; AND (B) PAYMENT
AND HONORING OF PREPETITION
WAGES, SALARIES, AND EMPLOYEE
EXPENSES, AND RELATED
OBLIGATIONS**

Current Hearing Date:

Date: October 5, 2023

Time: 1:30 p.m.

Continued Hearing Date:

Date: October 26, 2023

Time: 1:30 p.m.

Place: Via ZoomGov

1 The Roman Catholic Archbishop of San Francisco (the “RCASF” or the “Debtor”), the
2 debtor and debtor in possession in the above-captioned chapter 11 case (the “Bankruptcy Case”),
3 the Official Committee of Unsecured Creditors of the RCASF (the “Committee”), and Tracy Hope
4 Davis, United States Trustee for Region 17 (the “UST,” and collectively with the RCASF and the
5 Committee, the “Parties”), enter into this stipulation to (1) vacate the final hearing on certain First
6 Day Motions (defined below) and (2) continue the final hearing (the “Stipulation”) on the (A)
7 *Debtor’s Emergency Motion for Interim and Final Orders (1) Authorizing Continued Use of*
8 *Existing Cash Management System, Operational Bank Accounts and Related Investment Accounts;*
9 *(2) Authorizing Maintenance of Existing Business Forms, (3) Excusing Compliance With Section*
10 *345(b); (4) Authorizing Continued Use of Current Investment Policy* filed with the Court on August
11 21, 2023, as ECF No. 9 (the “Cash Management Motion”); and (B) *Debtor’s Emergency Motion for*
12 *Order (1) Authorizing Payment of Prepetition Wages, Salaries, and Employee Expenses; (2) to Pay*
13 *Accrued Employee Benefits and Taxes; and (3) Directing Banks to Honor Payroll and Expense*
14 *Checks* filed with the Court on August 21, 2023, as ECF No. 7 (the “Employee Obligations
15 Motion”). In support of the Stipulation, the Parties represent as follows:

16 **RECITALS**

17 A. On August 21, 2023 (the “Petition Date”), the Debtor filed a voluntary petition for
18 relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) and thereby
19 commenced the Bankruptcy Case.

20 B. On the Petition Date, the Debtor filed certain motions for “first day relief,” on an
21 emergency basis, and related supporting documents, including, but not limited to the declarations
22 of Joseph J. Passarello and Paul E. Gaspari (collectively, the “First Day Motions”), including the
23 Cash Management Motion and the Employee Obligations Motion.

24 C. On August 24, 2023, the Court held an interim hearing on the First Day Motions, on
25 an emergency basis, at which time the Court heard the arguments of the Debtor’s attorneys and the
26 UST. Thereafter, the Court entered interim orders granting the relief requested by the Debtor under
27 the First Day Motions, and scheduling further hearings on the First Day Motions for September 14,
28 2023.

1 D. On September 1, 2023, the UST appointed certain creditors to the Committee.

2 E. On September 7, 2023, the UST objected to the Cash Management Motion. *See Obj.*
3 *of U.S. Trustee to Final Approval of Debtor's Mot. for Continued Use of Existing Cash Management*
4 *System [ECF No. 9] [ECF No. 71] (the "UST Cash Management Objection").*

5 F. On or about September 14, 2023, the Committee determined to retain as its
6 bankruptcy counsel Pachulski, Stang, Ziehl & Jones LLP ("PSZJ").

7 G. On September 14, 2023, the Court held a further interim hearing on the First Day
8 Motions. The Debtor, the Committee, and the UST each appeared by their respective [proposed]
9 counsel of record. Based on, among other things, the Committee's recent retention of PSZJ as its
10 proposed bankruptcy counsel, the Court determined to extend, on an interim basis, the previously
11 granted interim relief on the First Day Motions, including certain modifications and updates to the
12 interim order granting the Cash Management Motion, and scheduled for October 5, 2023, at 1:30
13 p.m., a final hearing on the First Day Motions.

14 H. The Parties have met and conferred with respect to the Debtor's various requests for
15 relief by the First Day Motions. As a result, the Parties have resolved any potential disputes
16 regarding the Debtor's emergency motions on the following matters and so advised the Court: (1)
17 prohibition on utility companies to alter, refuse or discontinue service and to determine adequate
18 assurance of payment for post-petition utility services [ECF No. 8] (the "Utilities Motion"); (2)
19 establishment of certain notice procedures, treatment of confidential information, and temporary
20 suspension of the proof of claim filing deadline [ECF No. 10] (the "Limited Notice and
21 Confidentiality Procedures Motion"); (3) continuation of the Debtor's insurance programs [ECF
22 No. 12] (the "Insurance Motion"); and (4) continuation of the Debtor's prepetition Abuse Survivors'
23 Assistance and Safe Environment Programs [ECF NO. 13] (the "Survivors' Assistance & Safe
24 Environment Programs Motion"). Based on the Parties' representations, the Court has agreed to
25 enter final orders on the Utilities Motion, the Limited Notice and Confidentiality Procedures Motion,
26 the Insurance Motion, and the Survivors' Assistance & Safe Environment Programs Motion and
27 vacate the final hearing currently set for October 5, 2023, at 1:30 p.m. as to these matters.

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1 I. The Parties continue to meet and confer in good faith regarding their respective
2 concerns and disputes as to the Cash Management and the Employee Obligations Motions. The
3 Debtor is hopeful that as the Parties continue to meet and confer, they either will reach consensual
4 resolution of the remaining issues, or alternatively, narrow the issues as much as possible, and
5 thereby avoid potentially unnecessary briefing and argument. In furtherance of this goal, the Parties
6 requested the Court's guidance as to a further continuance of the final hearing on the Cash
7 Management and Employee Obligations Motions.

8 J. The Court has advised it is amenable to continuing the final hearing on the Cash
9 Management and Employee Obligations Motions to October 26, 2023, at 1:30 p.m., as well as to
10 continuing any related briefing schedules.

11 **STIPULATION**

12 1. The hearing on the Utilities Motion, the Limited Notice and Confidentiality
13 Procedures Motion, the Insurance Motion, and the Survivors' Assistance & Safe Environment
14 Programs Motion, currently set for October 5, 2023, at 1:30 p.m., shall be vacated and the Debtor
15 shall submit proposed final orders on these motions, approved as to form by the Committee and
16 UST, to the Court for entry as soon as practicable.

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2. The hearing on the Cash Management and Employee Obligations Motions currently set for October 5, 2023, at 1:30 p.m., shall be continued to **October 26, 2023, at 1:30 p.m.** Oppositions, if any, to the Cash Management or Employee Obligations Motions shall be filed with the Court and served on the Debtor no later than **October 13, 2023**. The Debtor's reply, if any, to any such oppositions shall be filed with the Court and served on the opposing parties no later than **October 20, 2023**.

Dated: October 3, 2023

FELDERSTEIN FITZGERALD
WILLOUGHBY PASCUZZI & RIOS LLP

By */s/ Paul J. Pascuzzi*

PAUL J. PASCUZZI

JASON E. RIOS

THOMAS R. PHINNEY

Attorneys for The Roman Catholic

Archbishop of San Francisco

Dated: October 3, 2023

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By */s/ Ori Katz*

ORI KATZ

ALAN H. MARTIN

Attorneys for The Roman Catholic

Archbishop of San Francisco

Dated: October 3, 2023

PACHULSKI STANG ZIEHL & JONES LLP

By */s/ John W. Lucas*

JAMES I. STANG

DEBRA I. GRASSGREEN

JOHN W. LUCAS

Proposed Attorneys for the Official Committee of

Unsecured Creditors

Dated: October 3, 2023

TRACY HOPE DAVIS, UNITED STATES TRUSTEE FOR
REGION 17

By */s/ Jason Blumberg*

JASON BLUMBERG

Trial Attorney for the United States Trustee